

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003. (U 39 M)

Application 02-11-017
(Filed November 9, 2002)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.

Investigation 03-01-012
(Filed January 16, 2003)

Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program. (U 39 E)

Application 02-09-005
(Filed September 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING ON NOTICES OF INTENT TO
CLAIM INTERVENOR COMPENSATION**

This ruling finds the Greenlining Institute (Greenlining) and the Utility Reform Network (TURN) eligible for an award of intervenor compensation pursuant to Public Utilities Code Sections 1801-1812.¹

¹ All citations are to the Public Utilities Code.

Intervenor Compensation Requirements

The intervenor compensation program set forth in the Public Utilities Code allows public utility customers to receive compensation for their participation in Commission proceedings. To receive an award, a customer must make a substantial contribution to the adoption of the Commission's order or decision and demonstrate that participation without an award would impose a significant financial hardship.²

Section 1804 requires a customer who intends to seek an award to file and serve within 30 days after the prehearing conference a notice of intent to claim compensation (NOI). Section 1804(a) and the Commission's Rules of Practice and Procedure, Rule 76.74, allow the Administrative Law Judge (ALJ) to establish a deadline for filing NOIs when no prehearing conference is scheduled. The NOI must include a statement of the nature and extent of the customer's planned participation, and an itemized estimate of the compensation the customer expects to request. The customer's showing of significant financial hardship may be included with the NOI or may be included with the request for award after the Commission's final decision in the proceeding.

If the NOI includes the customer's financial hardship showing, the ALJ in consultation with the Assigned Commissioner must issue within 30 days a preliminary ruling addressing whether the customer will be eligible for an award under the intervenor compensation program.³ To determine eligibility, two questions must be addressed: whether the intervenor is a "customer" as defined

² Section 1803.

³ Section 1804(b)(1).

in Section 1802(b), and whether participation will present a significant financial hardship.⁴ The ALJ's ruling should also identify which type of customer the intervenor is: a participant representing consumers; a representative authorized by a customer; or a representative of a group or organization authorized by its bylaws or articles of incorporation to represent the interests of residential customers. A finding of significant financial hardship creates a rebuttable presumption of eligibility in other Commission proceedings commencing within one year of the date of that finding.

The Proceeding

On January 8, 2003, Greenlining filed a NOI to claim intervenor compensation in Pacific Gas and Electric Company's (PG&E's) test year 2003 General Rate Case (TY 2003 GRC).⁵ TURN filed a NOI on February 27, 2003. On April 9, 2003, the Assigned ALJ determined that Greenling and TURN were eligible for an award of intervenor compensation.

A February 25, 2005 Assigned Commissioner's Ruling (ACR) by President Peevey granted a November 9, 2004 motion of TURN for an investigation into PG&E's billing and collection practices.⁶ The ACR consolidated the investigation with Order Instituting Investigation (I.) 03-01-012, opened as a companion investigation to PG&E's TY 2003 GRC. On April 11, 2005, following a

⁴ Decision (D.) 98-04-059.

⁵ Greenlining's initial NOI was filed jointly by Greenlining and the Latino Issues Forum.

⁶ *Assigned Commissioner's Ruling Granting The Utility Reform Network Motion for an Investigation into Pacific Gas and Electric Company's Billing and Collection Practices*, dated February 25, 2005, issued in A.02-11-017.

March 22, 2005, prehearing conference, the Assigned ALJ ruled via electronic mail that parties intending to participate in the billing and collection phase of this proceeding should file a second NOI indicating their intent to claim compensation for the billing and collection phase and providing an itemized estimate of the compensation the customer expects to receive.

TURN and Greenlining timely filed second NOIs for the billing and collection phase of this proceeding on April 15, 2005, and April 19, 2005, respectively. TURN states that it anticipates taking an active role in the billing and collection phase of this proceeding. TURN intends to conduct discovery, prepare testimony, participate in evidentiary hearings, and prepare briefs and comments as necessary. TURN also expects to hire an outside expert witness to assist with discovery and testimony. TURN's second NOI provides notice that TURN expects to incur costs of approximately \$102,000 to participate in the billing and collection phase of I.03-01-012.

Greenlining states that its participation will include evaluating and suggesting improvements to PG&E's billing and collection practices, with an emphasis on low-income, minority, and limited English-speaking customers and evaluating the impact of PG&E's billing and collection practices on underserved communities. Greenlining estimates that it expects to incur costs of approximately \$144,125 to participate in the billing and collection phase of this proceeding.

Rule 76.76 of the Commission's Rules of Practice and Procedure provides that "[a] customer found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding." Therefore, TURN's and Greenlining's previously determined

eligibility status remains in effect for all later phases of this proceeding, including the billing and collection phase.

Finding of Significant Financial Hardship

Although this phase of I.03-01-012 occurs approximately two years after Greenlining and TURN were initially granted eligibility to claim intervenor compensation in this proceeding, Greenlining and TURN each continue to enjoy a rebuttable presumption of eligibility to claim compensation in this proceeding pursuant to Rule 76.76 as well as by virtue of having recently received ALJ Rulings finding that they have demonstrated significant financial hardship as a customer of the third type, *i.e.*, a formally organized group authorized pursuant to its articles of incorporation to represent the views of residential customers. For Greenlining, that presumption arises from a ruling issued by ALJ Fukutome in Application 04-12-014 on April 8, 2005. TURN received a finding of significant financial hardship in a ruling issued by ALJ Wetzell in Rulemaking 04-04-003 dated July 27, 2004.

IT IS RULED that for purposes of their participation in the billing and collection phase of Investigation 03-01-012, The Greenlining Institute and The Utility Reform Network remain eligible for an award of intervenor compensation in this proceeding as previously determined by ruling dated April 9, 2003.

Dated August 26, 2005, at San Francisco, California.

/s/ JULIE M. HALLIGAN

Julie M. Halligan
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have this day served the attached Administrative Law Judge's Ruling on Notices of Intent to Claim Intervenor Compensation on all parties of record in this proceeding or their attorneys of record by electronic mail to those who have provided electronic mail addresses, and by U.S. mail to those who did not provide e-mail addresses.

Dated August 26, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.